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Confirmation No. 5347

JUL 18 2005

PTO/SB/21 (09-04)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/828,419	
	Filing Date	April 20, 2004	
	First Named Inventor	Alfred Berchielli, et al	
	Art Unit	1614	
	Examiner Name	Not Yet Assigned	
Total Number of Pages in This Submission	11	Attorney Docket Number	PC25684A

ENCLOSURES (Check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Copy of Return Receipt Postward Copy of Express Mail Label and Certificate Copy of Utility Patent Application Transmittal Copy of Allegedly Omitted Drawing Copy of Notice of Incomplete Nonprovisional Application
Remarks Authorization to charge the fee and any additional fees as necessary or credit any overpayment to deposit account 23-0455 is hereby given.		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Warner-Lambert Company, LLC		
Signature	<i>Christine S. Lee</i>		
Printed name	Christine S. Lee		
Date	July 18, 2005	Reg. No.	42,788

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:	
Signature	<i>Wanda C. Bland</i>
Typed or printed name	Wanda Bland
Date	July 18, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9189 and select option 2.

USPTO Fax No. 571-273-8300

Customer No. 28880

CENTRAL FAX CENTER

Confirmation No. 5347

JUL 18 2005

PTO/SB/17 (10-04)

Approved for use through 07/31/2008. OMB 0651-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2005**

Effective 10/01/2004. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$400.00)

Complete if Known

Application Number	10/828,419
Filing Date	April 20, 2004
First Named Inventor	Alfred Berchielli, et al
Examiner Name	1614
Art Unit	Not Yet Assigned
Attorney Docket No.	PC25684A

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

23-0455

Warner-Lambert Company LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 790	2001 395	Utility filing fee	
1002 350	2002 175	Design filing fee	
1003 550	2003 275	Plant filing fee	
1004 790	2004 395	Reissue filing fee	
1005 180	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$0.00)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	18.00	\$0.00
Multiple Dependent	-3** =	88.00	\$0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 88	2201 44	Independent claims in excess of 3	
1203 300	2203 150	Multiple dependent claim, if not paid	
1204 88	2204 44	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$0.00)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 85	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 430	2252 215	Extension for reply within second month	
1253 980	2253 490	Extension for reply within third month	
1254 1,530	2254 765	Extension for reply within fourth month	
1255 2,080	2255 1,040	Extension for reply within fifth month	
1401 340	2401 170	Notice of Appeal	
1402 340	2402 170	Filing a brief in support of an appeal	
1403 300	2403 150	Request for oral hearing	
1451 1,510	1451 1,510	Petition to Institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,370	2501 685	Utility issue fee (or reissue)	
1502 490	2502 245	Design issue fee	
1503 680	2503 330	Plant issue fee	
1480 130	1480 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 790	2809 395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 790	2810 395	For each additional invention to be examined (37 CFR 1.129(b))	
1801 790	2801 395	Request for Continued Examination (RCE)	
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify) <u>Petition</u>			400.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$400.00)**SUBMITTED BY**

Name (Print/Type)	Christine S. Lee	Registration No. (Attorney/Agent)	42,788	Telephone (734) 622-3487
Signature	<i>Christine S. Lee</i>	Date	July 18, 2005	

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

01/19/2005 TL0111 00000047 230455 10828419
01 FC:1462 400.00 DA

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/828,419 Confirmation No.: 5347
Applicant: Alfred Berchielli, et al
Filed: April 20, 2004
TC/A.U.: 1614
Examiner: Not Yet Assigned
Docket No.: PC25684A
Customer No.: 28880
Title: PHARMACEUTICAL COMPOSITIONS OF ATORVASTATIN

Petition in Response to Notice of Incomplete Nonprovisional Application

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the Notice of Incomplete Nonprovisional Application filed under 37 C.F.R. 1.53(b), dated May 17, 2005. In the Notice of Incomplete Nonprovisional Application, the Office alleged that the subject application was filed without drawings in compliance with 35 U.S.C. § 113. Applicant submits that said drawings were included in the original submission of the above-referenced application on April 20, 2004.

As part of the general procedure during filing, the application is reviewed for completion and consistency the number of the application pages being submitted to the United States Patent and Trademark Office (USPTO) and then mailed. To the best of the undersigned's knowledge, this procedure was followed with the application under consideration and the mailing was completed without any further incident or unusual.

occurrence suggesting that any portion of the specification was omitted from the application submitted to the USPTO.

Attached herewith are the following copies from Applicant's file of the application under consideration:

1. The itemized return receipt postcard acknowledged and returned by the USPTO to Applicant;
2. The Certificate of Mailing stating express mailing Label Number ER917095695, the date of mailing April 20, 2004, and docket number PC25684A;
3. The Utility Patent Application Transmittal specifying the submission of drawings having a total of 1 page (item 4, transmittal) (item 6 of the postcard); the transmittal displaying the above mailing label and docket number; and
4. A copy of the drawing as filed in the original application submission.

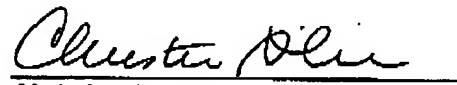
Accordingly, by way of this Petition, Applicant respectfully requests that the filing date of April 20, 2004, be granted with respect to the drawing under consideration.

Authorization is hereby given to charge any fee which may be required, or credit any overpayment, to Deposit Account 23-0455.

Applicant respectfully requests examination of the application on the merits.

Respectfully submitted,

Dated: July 18, 2005


Christine S. Lee
Registration No. 42,788
Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor, MI 48105
Tel. (734) 622-3487
Fax (734) 622-1553

THE UNITED STATES PATENT AND TRADEMARK OFFICE IS IN RECEIPT OF
A UTILITY PATENT APPLICATION UNDER 37 CFR 1.53(b) INCLUDING:

1. UTILITY PATENT APPLICATION TRANSMITTAL (1 PAGE)
2. FEE TRANSMITTAL (1 PAGE)
3. SPECIFICATION (32 PAGES)
4. 30 CLAIMS (4 PAGES)
5. ABSTRACT (1 PAGE)
6. FIGURE (1 PAGE)
7. TITLE (1 PAGE)
8. UNEXECUTED DECLARATION AND POWER OF ATTORNEY (5 PAGES)
9. AUTHORIZATION TO DEBIT/CREDIT DEPOSIT ACCOUNT 23-0455
10. CERTIFICATE OF MAILING BY EXPRESS MAIL (#ER917095695US)
11. RETURN POSTCARD

17302 U.S. PTO
10/828419



INVENTORS: ALFRED BERCHIELLI, ET AL

INVENTION TITLED: PHARMACEUTICAL COMPOSITIONS OF LATORVASITAMINE

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FJT:NDD


PC25684A -FJT

APRIL 20, 2004

APR 29 2004

AA PATENT DEPT ✓

Customer No. 28880

CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10) Applicant(s): Alfred Berchielli, et al			Docket No. PC25684A
Serial No.	Filing Date	Examiner	Group Art
Invention: PHARMACEUTICAL COMPOSITIONS OF ATORVASTATIN			
I hereby certify that this <u>UTILITY PATENT APPLICATION</u> <small>(Identify type of correspondence)</small>			
is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on <u>April 20, 2004</u> <small>(Date)</small>			
		Nancy Dermbach <small>(Typed or Printed Name of Person Mailing Correspondence)</small>  <small>(Signature of Person Mailing Correspondence)</small>	
		ER917095695 <small>("Express Mail" Mailing Label Number)</small>	
Note: Each paper must have its own certificate of mailing			

CERT OF MAILING EXPRESS MAIL

POSA/REV02 06/13/01

[illegible]

PTO/SB/05 (08-03)

Approved for use through 07/31/2006, OMB 0551-0032

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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UTILITY PATENT APPLICATION TRANSMITTAL (Only for new nonprovisional applications under 37 CFR 1.53(b))	Attorney Docket No.	PC25684A
	First Inventor	Berchielli, et al
	Title	Pharmaceutical Compositions of Atorvastatin
	Express Mail Label No.	ER917095695US

APPLICATION ELEMENTS See MPEP chapter 600 concerning utility patent application contents.	ADDRESS TO: Mail Stop Patent Application Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450
1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification (Total Pages <u>38</u>) (Preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the invention - Brief Summary of the invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) (Total Sheets <u>1</u>) 5. Oath or Declaration (Total Sheets <u>4</u>) a. <input type="checkbox"/> Newly executed (original or copy) b. <input type="checkbox"/> Copy from a prior application (37 CFR 1.63(d)) (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> DELETION OF INVENTOR(S) Signed statement attached deleting inventor(s) names in the prior application, see 37 CFR 1.63(d)(2) and 1.53(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, see necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> Paper c. <input type="checkbox"/> Statements verifying identity of above copies ACCOMPANYING APPLICATION PARTS 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement of Power of (when there is an assignee) Attorney 11. <input type="checkbox"/> English Translation Document (if applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS) PTO-1449 Copies of IDS Citations 13. <input type="checkbox"/> Preliminary Amendment 14. <input checked="" type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (if foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input checked="" type="checkbox"/> Other: Certificate of Express Mail.....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.:

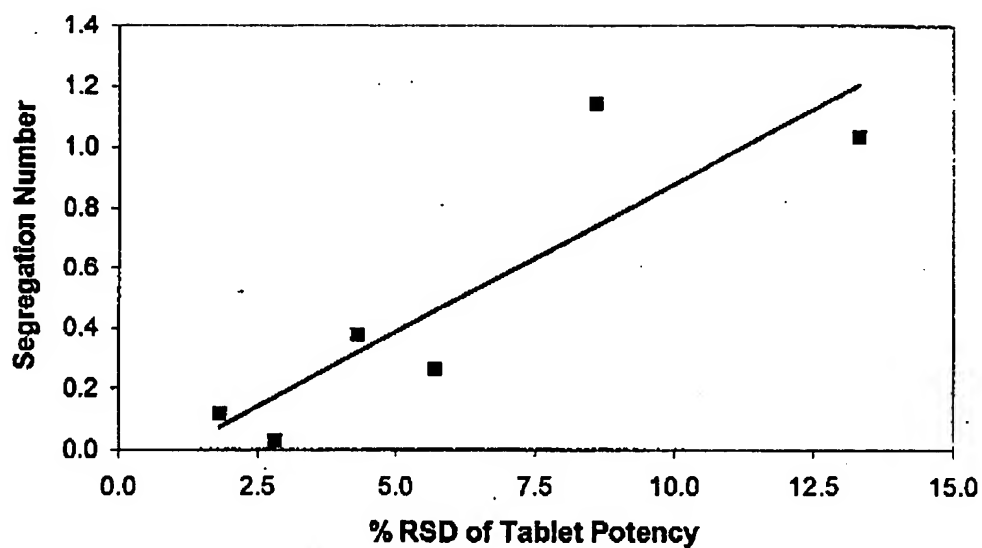
Prior application information: Examiner _____ Art Unit: _____
 For CONTINUATION OF DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

<input checked="" type="checkbox"/> Customer Number:	<u>28880</u>	OR <input type="checkbox"/> Correspondence address below
Name	Francis J. Tinney	
Address	Warner-Lambert Company LLC	
	2800 Plymouth Road	
City	Ann Arbor	State Michigan Zip Code 48105
Country	USA	Telephone 734-622-7295 Fax 734-622-1553
Name (Print/Type)	Francis J. Tinney	Registration No. (Attorney/Agent) 33.069
Signature	<i>Francis J. Tinney</i>	Date April 20, 2004

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.
 If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

FIGURE 1



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/828,419 Confirmation No.: 5347
Applicant: Alfred Berchielli, et al.
Filed: April 20, 2004
TC/AU: 1614
Examiner: Not Yet Assigned
Docket No.: PC25684A
Customer No.: 28880
Title: PHARMACEUTICAL COMPOSITIONS OF ATORVASTATIN

Response to Notice of Incomplete Nonprovisional Application

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Incomplete Nonprovisional Application filed under 37 CFR 1.53(b), dated May 17, 2005, please find enclosed with this paper an Oath or Declaration which has been executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.

The requirement of a submission of an Oath or Declaration of the inventor in compliance with 37 CFR 1.53(b) has been satisfied. Thus, all requirements for acceptance of the instant application under 37 CFR 1.53(b) have been met. Accordingly, Applicant respectfully requests acceptance of the above-identified application under 37 CFR 1.53(b).

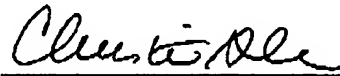
It was further alleged in the Notice of Incomplete Nonprovisional Application that "the application was deposited without drawings". Applicant will address this in a separate Petition to the Commissioner.

Authorization hereby is given to charge any fee which may be required, or credit any overpayment, to Deposit Account 23-0455.

Applicant respectfully requests examination of the application on the merits.

Respectfully submitted,

Dated: July 18, 2005



Christine S. Lee
Registration No. 42,788
Warner-Lambert Company LLC
2800 Plymouth Road
Ann Arbor, MI 48105
Tel. (734) 622-3487
Fax (734) 622-1553